

SPECIAL FARMINGTON CITY COUNCIL MEETING

May 14, 2003

Present: Mayor David M. Connors, City Council Members Larry Haugen, Bob Hasenyager, Susan Holmes, David Hale, and Edward J. Johnson, City Manager Max Forbush, City Planner David Petersen, City Finance Director Keith Johnson, and City Recorder Margy L. Lomax.

The meeting was called to order at 6:10 p.m. by Mayor Pro Tem Larry Haugen. Council Member David Hale offered an invocation to the meeting. Mayor Connors arrived at 6:20 p.m. and conducted the remainder of the meeting.

CONSIDERATION OF AMENDMENT TO FARMINGTON RANCHES DEVELOPMENT AGREEMENT PERMITTING THE BUFFALO RANCH DEVELOPMENT/ CONSIDERATION OF CONSERVATION EASEMENT APPROVAL FOR BUFFALO RANCH

Council Member Bob Hasenyager reported that a meeting had been held with Mayor Connors, David Petersen, Lynn Summerhays of The Boyer Company, and David Plummer, the developer of the Buffalo Ranch, along with all respective attorneys, on May 12th to resolve outstanding issues regarding: (1) an amendment to the Farmington Ranches Development Agreement; (2) a Conservation Easement between Boyer Wheeler Farm, L.C. and the City; and (3) an Ordinance vacating a certain portion of Clark Lane.

David Petersen passed out a Memorandum detailing the three issues discussed at the meeting which they had come to a preliminary agreement on. One conservation easement shall be established on the entire Buffalo Ranch site instead of four easements so long as Exhibit "B" (Use Map of Easement) is acceptable to all parties.

Equine retail was defined as sale of horses, embryos, sperm, etc. Veterinary services may be made available to Farmington residents on an emergency-basis only. It is not the intent of Buffalo Ranch to provide services outside the realm of its business, only in emergency situations.

Mr. Petersen reported that all parties involved are in agreement with the "Amendment No. 2 to the Farmington Ranches Development Agreement", (2 ½ pages) as had been presented to the Council at their previous meeting. No changes had been made since then and all attorneys have agreed it is okay. Exhibit 2 to the Amendment No. 2 was handed out by Mr. Petersen showing the lot configuration of the amended Farmington Ranches Project Master Plan which had been reviewed by the Planning Commission. The Planning Commission is recommending approval.

The City Manager and City Planner met with Scott and David Plummer at the site and inspected all the stakes on the trail easements. The City is requesting that Lot 21 and possibly other lots be amended to accommodate the trail going east of the power lines. The Boyer Company suggested that they convey Lot 201 to the City for a future pedestrian trail head if

another building lot can be created elsewhere in the project area.

The Boyer Company also suggested that they would provide an equestrian trail head in another location within the power corridor. This proposal was acceptable to the City as reflected in the proposed Amended Project Master Plan.

Mr. Petersen reviewed conditions or issues to be resolved in conjunction with the Council approving a motion. The first involves that the Development Agreement be amended to increase the number of lots from 544 to 540. Mr. Plummer is willing to sell the City a 20 foot trail right-of-way (1.6 acres, 20 feet wide) wrapping around the south end of the Buffalo Ranch, and The Boyer Company is willing to dedicate a trail easement connecting this segment to the trail leading to 1525 West. The cost of the trail acquisition for the Buffalo Ranch portion had not been decided upon. They will provide that to the City at a later date. The goal of the City is to have a looping trail of 3.2 miles.

The City is to pay for the construction and painting of a fence along the south and east boundary of the additional trail land abutting Buffalo Ranch, thereafter Buffalo Ranch will maintain the City's fence along with their fence. This same fence arrangement shall also be implemented adjacent to that portion of the trail north of Clark Lane between Buffalo Ranch development and Phase 4 and 6 of the Farmington Ranches Subdivision (and Lot 201 of Phase II). The cost of the trail property will be at a price mutually acceptable to both parties. Mayor Connors believes the property will be sold to the City by fee title.

The revised Project Master Plan shall show the location of a drainage easement running in a westerly direction from the subdivision to the Great Salt Lake between the two ponds, and it shall also show another drainage easement running in a southerly direction from the subdivision to the general vicinity of the Doppler radar tower.

Mr. Petersen proposed to the Council that they consider a motion approving the vacation of three conservation easements over the Buffalo Ranch property and approve the one proposed conservation easement over the entire site containing 286.778 acres, less the 3.32 acres planned for a subdivision containing four building lots. That motion would be subject to the following conditions:

1. Exhibit B shall illustrate the drainage easement depicted on the Project Master Plan. The easements will be recorded concurrently with Phases 7 and 8 of the Farmington Ranches Subdivision or at the time Mr. Plummer alters or pipes the Shepard Creek stream channel, whichever occurs first. Exhibit B shall be updated to reflect the further trails added to the Farmington Ranches Project Master Plan.
2. Record easement and dedicate trail easement prior to sale of property to Plummer or concurrent with closing. The centerline of the trail shall be set in the middle of the existing dirt road. David Plummer shall also have motorized vehicular access to all trails and easements for farm maintenance purposes only. Except for

Farmington City maintenance and emergency vehicles, no other motorized vehicular access shall be allowed. Record added southern trail easements prior to the issuance of certificate of occupancy or recordation of the four-lot Buffalo Ranch plat, whichever occurs first.

Mayor Connors and Council Member Bob Hasenyager expressed concern that it is made very clear that the only activity allowed outside of the yellow area as shown on Exhibit B is pasturing and that only in the yellow area is where the breeding, selling, etc. facilities, will take place. The percentage of open space needs to stay the same or exceed in proportion to the number of lots platted. Thus far the developer has complied with this condition. Lot 201 will be deeded in fee title to the City in exchange for another lot, however, the parking facility will be an easement. If a permit is needed from the Corps of Engineers, the developers are responsible to obtain it, the City can not waive any permits.

The Clark Lane vacation had been approved by the City Council at the meeting on April 16, 2003. Mr. Petersen suggested that the motion tonight should direct the City Recorder to record the Clark Lake Vacation Ordinance subject to the provisions of the previous motion for approval by the City Council on April 16, 2003, and further subject to the condition that the trail easement be recorded prior to the recordation of the vacation ordinance. The ordinance vacates Clark Lane from the west boundary of Farmington Ranches Phase IV to the corporate City limit lines. The trail easement will be recorded before the Clark Lane vacation ordinance.

Mayor Connors stated that it boils down if the City Council is willing to increase the number of lots from 540 to 544 in consideration for the things discussed tonight. A lot of time and energy was spent coming up with the proposal. It basically adds four building lots to the whole development. At the same time it provides a good agriculture use for the area. The Mayor felt it's a good trade off for the City to get the looped trail. The developers need the four more lots to make it work.

A question was raised by Mayor Connors on the proposed use of the four lots. It was his understanding that they are to be used for housing operations of their farm. Representatives of Mr. Plummer were in the audience and Mayor Connors questioned them as to what restrictions, if any, there are on the re-sell of those lots. He is opposed to them being re-sold. Mayor Connors felt the lots ought not to be re-sold independent of the farming operation, because the City is giving the four lots for the farming operation, ancillary and accessory uses to the ranching operation, not for resale. Mayor Connors stated that four lots had not been presented in any other context except as support for the ranching operation. There are presently two houses on the property. It is their intent to have employees on the property 24 hours a day.

Mr. Plummer was not in attendance, but a representative of his stated he believed Mr. Plummer was of the understanding that he was trading the easement, the connecting easement, for the horse trail and the shoreline trail in exchange for those four lots outside of the easement, so that the potential for resale exists. He thought he was acquiring the rights to resale the four lots.

Discussion was held regarding adding stipulations for these four lots. It was suggested that possibly a deed restriction could be added stating that so long as there is a ranching operation,

they won't be sold independently of the ranching operation, or not more than "x" number of years. Mr. Petersen pointed out the time to put restrictions on the lots is at the time of subdivision approval.

Council Member Holmes stated that she felt Mr. Plummer was giving the City a lot of consideration and giving an opportunity to provide things for its citizens and that there are some things that can never be tied down. She felt that as long as the City is negotiating that the four houses will be used for ranching operation, Mr. Plummer should be given the benefit of the doubt that those houses are going to be used for his operation, and that when no longer usable for his operation that they revert and he could sell them. She felt the lots had been a negotiating tool, and that the City received benefits by getting Lot 201 and a trail.

It was reported by representatives of David Plummer that he was en route to the meeting. At this point it was decided to table this agenda item until the arrival of Mr. Plummer.

MISCELLANEOUS ITEMS

City Museum

The City Manager reported that the Museum Committee had selected some special track lighting for the Museum which would be used for displays. This lighting is other than what the architect had chosen. The price for the track lighting is \$2,400 more. The Council was in agreement to go ahead and purchase the track lighting.

Development Committee Meeting with Rich Haws

The City Manager stated that Rich Haws wants to meet with the City Council Development Committee, comprised of the Mayor, Council Members Hasenyager and Holmes, to discuss a preliminary non-binding agreement for his proposed development. It was decided to meet with him on May 28.

Storm Water Utility Fee

The City has been mandated by the Federal government to reduce pollution in stream channels. This mandate will require the City to do more street sweeping, cleaning of inlet boxes, and other work in order to comply with the mandate. It will be necessary for the City to impose a storm water utility fee on residents to pay for the increase in workload.

CRS Engineers, the City's engineering company, has done an analysis of impervious ground space on residential lots which space creates the drainage issue. They have taken samples of over 100 residential properties throughout the City. The average impervious space on a residential lot is 3,819 sq. ft. which amount would become the basis for a storm water utility fee, one equivalent service unit, to be assessed at \$5.00, per month per residence. When that equivalent service unit is applied against non-residential properties, the fee is much larger. The City wants to receive input from the retail and commercial establishments throughout the City

regarding this proposed fee. Notice of the hearing is planned to be sent out with utility bills the first part of June, but in order to give adequate notice, a special hearing is needed. It was decided that a special City Council meeting will be held on Wednesday, June 11, 2003, at 7:00 p.m. to receive input regarding this issue.

CONSIDERATION OF AMENDMENT TO FARMINGTON RANCHES, etc. (continued)

Mr. Swain, of The Boyer Company, reported that Mr. Plummer is not willing to have restrictions placed on the four lots, that he expects they will be used with the ranch. It was stated that Mr. Plummer has had to pay a premium for the property and doesn't want to be restricted in those four lots. At this point in the meeting, Mr. David Plummer arrived. Discussion took place outside of the meeting with Mayor Connors and Mr. Plummer. After their discussion, the Mayor reported to the Council that the question involving the resale of the four lots had been resolved that Buffalo Ranch would have the ability to resell the lots if desired with no restrictions to be placed on them.

MOTION:

A motion was made by **Susan Holmes** and seconded by **David Hale** to approve the Farmington Ranches Development Agreement No. 2 subject to all applicable laws and Farmington City development standards and ordinances and subject to the conditions (and/or resolution of issues) as follows:

Amend the total lot number for the Farmington Ranches development from 540 to 544. Amendments should be made to Sections 5(b) and 14 of the Development Agreement to reflect such increase in the maximum number of lots. In consideration of this increase in the maximum number of lots within the project, David Plummer agrees to sell to the City a 20' trail/drainage/public utility easement, at a cost not to exceed \$10,000 per acre, connecting the Great Salt Lake Shoreline trail via the south and east perimeter of the Buffalo Ranch property to Phase 7 and 8 of the Farmington Ranches development. Boyer Wheeler Farm LC agrees to grant a temporary trail easement to the City, at no cost to the City, through future Phases 7 and 8 of the Farmington Ranches Subdivision and associated conservation area to the trail leading to 1525 West Street, after which a permanent trail easement will be granted upon recordation of said phases. Boyer shall provide the City with the temporary trail easement prior to transfer of property to Plummer and shall dedicate the permanent trail through Phases 7 and 8 in accordance with the Development Agreement. The Project Master Plan shall be updated to reflect the additional trail alignment(s).

Regarding the sale of the additional 20' trail/drainage/public utility easement, Plummer agrees to ask for no more than \$15,000 for said 20' trail/drainage/public utility easement. Subject to legal review, the City agrees to credit Mr. Plummer the park impact fees for the four lots and the Boyer Company agrees to contribute up to \$7,500 or half of the acquisition costs towards the cost of the trail. Record added "southern trail easement" through Buffalo Ranch property prior to recordation of the four-Buffalo Ranch plat. The four additional lots shall be subject to the same development agreements and CC&R's as the Farmington Ranches Subdivision.

City further agrees to construct and paint a fence along the south and east boundary of the

additional trail land referenced in the paragraph above only as the trail abuts Buffalo Ranch property. The fence will match the Buffalo Ranch fence located on the north and west side of this trail. Thereafter, Buffalo Ranch will perpetually maintain both fences. This same fence arrangement shall also be implemented adjacent to that portion of the trail north of Clark Lane between the Buffalo Ranch development and Phase 4 and 6 of the Farmington Ranches Subdivision (and Lot 201 of Phase II).

The revised Project Master Plan shall show the location of a drainage and public utility easement running in a westerly direction from the Farmington Ranches Subdivision to the Great Salt Lake between the two ponds and it shall also show another drainage easement running in a southerly direction from the Farmington Ranches Subdivision to the general vicinity of Doppler radar tower.

Boyer Wheeler Farm LC must notify the City in writing of the sale and transfer of property to David Plummer in accordance with the provisions of the Development Agreement. Said drainage easements will be recorded concurrently with Phase 7 and 8 of the Farmington Ranches subdivision or at the time Mr. Plummer alters or pipes the Shepard Creek stream channel whichever occurs first.

City must approve (or acknowledge in writing David Plummer as the new owner) of the underlying fee to Conservation Land in accordance with the Development Agreement, as amended. Boyer and Plummer shall provide the City with an Assignment and Assumption of Agreement in accordance with the provisions of the Development Agreement and in a form acceptable to Farmington City prior to any transfer or sale of property.

The percentage of open space set aside via the proposed conservation easement must comply with provisions of the Development Agreement (Note: the present proposal meets and probably exceeds the open space percentage agreed to in the original Development Agreement).

MOTION:

A motion was made by **David Hale** and seconded by **Susan Holmes** to vacate portions of three conservation easements located within the proposed Buffalo Ranch development, subject to and conditioned upon the concurrent recording of a single Conservation Easement acceptable to the City encumbering the entire Buffalo Ranch property. Such vacation and/or amendment to existing Conservation Easements shall be subject to legal review. The Council further approved the 5-13-03 red-lined Conservation Easement over the entire Buffalo Ranch site containing 286.778 acres, less the 3.32 acres planned for a subdivision containing 4 building lots, subject to all applicable laws and Farmington City development standards and ordinances and the following conditions:

Exhibit B shall illustrate the drainage and public utility easement depicted on the Project Master Plan.

Exhibit B shall be updated to accurately reflect the further trails added to the Farmington

Record Conservation Easement and dedicate trail easement(s) (except for the “southern” trail easement referenced above) prior to sale of property to Plummer or concurrent with closing. The centerline of the trail down the “Clark Lane” portion shall be set in the middle of the existing dirt road. David Plummer shall also have motorized vehicular access to all trails for farm maintenance purposes only. Except for Farmington City maintenance and emergency vehicles, no other motorized vehicular access shall be allowed on the trails.

City staff and the Grantor shall finalize all exhibits to the Conservation Easement prior to recording said easement.

A letter of understanding shall be prepared and Exhibit “B” shall be amended accordingly to show two segments of the trail which may change alignment after Mr. Plummer is finished preparing the land for his horse operation.

The Conservation Easement and the Buffalo Ranch development shall comply with all provisions of the Farmington Ranches Development Agreement, as amended.

The motion passed by all Council Members voting in the affirmative.

MOTION:

Susan Holmes made a motion which was seconded by **David Hale** to approve action directing the City Recorder to record the Clark Lane Vacation Ordinance subject to the provisions of the previous motion for approval by the City Council on April 16, 2003, and further subject to the condition that the trail easement and conservation easement be recorded, and that the amendment to the Development Agreement be executed, prior to the recordation of the vacation ordinance. The motion passed unanimously with all Council Members voting in favor.

BUDGET WORK SESSION

The City Manager and City Finance Director addressed the Council regarding those action programs listed on the “Strategic Action Initiatives 2002-2006” document which had previously been prepared by the Stromberg Group. The action programs had been divided into nine different areas with goals established under each area. The nine different categories are: (1) Financial Forecast; (2) City Infrastructure; (3) Federal and State Mandates; (4) Preservation, Development and Planning Strategies; (5) Leisure Services/Parks, Facilities and Programs; (6) Public Safety; (7) Citizen Participation; (8) Human Resources, Training and Benefits; and (9) Technology/MIS.

A report was made on those items that had been completed; the ones that are in progress; and the ones which will have a budgetary impact for fiscal years 03 and 04. Some of the items discussed were:

- A storm water utility fee has been established and placed in next year’s budget.

- Radio read meters have been installed in approximately half of the meters throughout the City. It will take another few years to change over the whole City to radio read.

- Sprinkler telemetry systems for watering City parks and cemetery are in the budget for the upcoming year.

- The City is in the process of developing best management practices.

- The Original Townsite Zone (OTR) will be finished in the next few months. The Mixed Use Zone is in the process. It will be in next year's budget.

- The Community Center building is under construction along with the construction of boweries; and replacement of playground equipment. The pool playground addition is complete.

- The Fire Department duty crew hours have been raised to 84 hours and the Fire Station expansion is complete.

- It is proposed to purchase land for a new Police Station in next year's budget.

- The City has developed a web site, but will not be able to have a City intranet until the Legacy Highway project goes through.

The City Manager felt the strategic action planning process had been a good tool in helping City officials to focus on those things to be placed in the budget.

A work session then ensued with the City Manager and City Finance Director going over the pertinent areas of the budget for the upcoming fiscal year ending June 30, 2004, as were presented in a packet for review by the Council.

At 9:55 p.m. with no further business to be heard, a motion to adjourn was made by **Larry Haugen**. The voting was unanimous in favor with the meeting thereupon being adjourned.

Margy L. Lomax
City Recorder

